

HOUSE BILL NO. 15

INTRODUCED BY M. WILLIAMS

BY REQUEST OF THE DEPARTMENT OF LABOR & INDUSTRY

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Education and Cultural Resources.
January 10, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
January 11, 1985	Second reading, do pass. On motion rules suspended and bill placed on third reading this day. Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 12, 1985	Introduced and referred to Committee on Labor and Employment Relations.
January 15, 1985	Committee recommend bill be concurred in. Report adopted.
January 16, 1985	On motion bill added to second reading agenda. Second reading, concurred in. On motion rules suspended. Bill placed on calendar for third reading this day. Third reading, concurred in. Ayes, 42; Noes, 5.

January 17, 1985

IN THE HOUSE

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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 5    A BILL FOR AN ACT ENTITLED: "AN ACT TO DENY UNEMPLOYMENT  
 6    INSURANCE BENEFITS TO NONPROFESSIONAL SCHOOL EMPLOYEES  
 7    BETWEEN ACADEMIC TERMS AND TO ALL SCHOOL EMPLOYEES DURING  
 8    VACATIONS AND HOLIDAYS; TO PROVIDE RETROACTIVE PAYMENT OF  
 9    CERTAIN BENEFITS; AND TO BRING THE MONTANA UNEMPLOYMENT  
 10    INSURANCE LAW INTO CONFORMITY WITH FEDERAL LAW; AMENDING  
 11    SECTION 39-51-2108, MCA; AND PROVIDING AN IMMEDIATE  
 12    EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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14    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15            Section 1. Section 39-51-2108, MCA, is amended to  
16    read:

17            "39-51-2108. Payment of benefits based on service in  
 18    public, charitable, or educational organizations. (1)  
 19    Benefits based on service in employment defined in  
 20    subsections (5) and (6) of 39-51-203 and subsections (2) and  
 21    (3) of 39-51-204 are payable in the same amount, on the same  
 22    terms, and subject to the same conditions as compensation  
 23    payable on the basis of other service subject to this  
 24    chapter, except that benefits based on service in an  
 25    instructional, research, or principal administrative

1    capacity for an educational institution may not be paid to  
 2    an individual for any week of unemployment which begins  
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 7    individual has a contract or reasonable assurance of a  
 8    contract to perform services in any such capacity for any  
 9    such educational institution for both such academic years or  
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11            (2) Benefits based on services in any other capacity  
 12    for an educational institution shall be denied to any  
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 23    week for which the individual filed a timely claim for  
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 25    of the denial provided for in this section.



1       (3) Benefits based on services described in  
2 subsections (1) and (2) of this section shall be denied to  
3 any individual for any week which commences during an  
4 established and customary vacation period or holiday recess  
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7 and there is reasonable assurance that such individual will  
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9 such vacation period or holiday recess.

10       (4) Benefits based on services described in  
11 subsections (1) and (2) of this section to an individual who  
12 performed such services for an educational institution while  
13 in the employ of an educational service agency shall be  
14 denied as specified in subsections (1), (2), and (3) of this  
15 section. The term "educational service agency" means a  
16 governmental agency or governmental entity which is  
17 established and operated exclusively for the purpose of  
18 providing such service to one or more educational  
19 institutions."

20       NEW SECTION. Section 2. Effective       date       --  
21 applicability. This act is effective on passage and approval  
22 and applies retroactively, within the meaning of 1-2-109, to  
23 all claims for benefits which became effective on or after  
24 October 28, 1984.

-End-

STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN 048-85

Form BD-15

In compliance with a written request received January 10, 19 85, there is hereby submitted a Fiscal Note for H.B. 15 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

H.B. 15 is an act to deny unemployment insurance benefits to non-professional school employees between academic terms and to all school employees during vacations and holidays.

ASSUMPTIONS:

1. Benefit expenditures for State and Local entities will be \$5,150,000 and \$5,700,000 for FY 1986 and FY 1987 respectively.
2. Benefit charges for school employees will be \$2,235,000 FY 1986 and \$2,350,000 FY 1987.
3. Benefit charges attributable to nonprofessional school employees are approximately 80% of total school employee benefits.
4. Based on a survey of school districts, 95% of the nonprofessional employees will have reasonable assurance of returning to work each term.

FISCAL IMPACT ON STATE SPECIAL REVENUE ACCOUNT:

1. Benefits and Claims Expenditures:

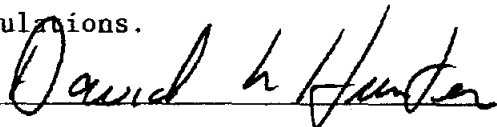
	<u>FY 1986</u>	<u>FY 1987</u>
Current Law	\$ 5,510,000	\$ 5,700,000
Proposed Law	3,450,000	3,915,000
Net Difference	\$(1,700,000)	\$(1,785,000)

LONG RANGE EFFECTS:

Long term lowering of Unemployment Insurance tax rates for state and local governments.

TECHNICAL NOTE:

Adoption of this legislation is required to be in compliance with federal regulations.

  
BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Jan 15, 1985

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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REFER TO  
LABOR AND EMPLOYMENT RELATION

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